

Translation

PATENT COOPERATION TREATY

PCT/EP2003/013513



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/43245-PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/013513	International filing date (day/month/year) 01 December 2003 (01.12.2003)	Priority date (day/month/year) 02 December 2002 (02.12.2002)
International Patent Classification (IPC) or national classification and IPC C08F 226/00		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>3</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 22 June 2004 (22.06.2004)	Date of completion of this report 08 November 2004 (08.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/013513

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-37 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 14 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 1-13 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 22 June 2004 (22.06.2004)
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/13513**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following documents:

D1: WO-A-02/44519

D2: WO-A-02/44230

- Neither document D1 nor document D2 discloses a medium as specified in the amended version of independent claim 1 or a use as specified in the amended version of independent claim 7. The subject matter of the amended independent claims is therefore novel (PCT Article 33(2)).
- The subject matter of amended independent claims 1 and 7 is not suggested by the content or teachings of D1 or D2. The subject matter of the amended independent claims therefore involves an inventive step (PCT Article 33(3)).
- Dependent claims 2 to 6 and 8 to 13 therefore also meet the PCT requirements in respect of novelty and inventive step.
- The claimed subject matter is industrially applicable (PCT Article 33(4)).

JCOB BERTINATO 01 JUN 2005

- n being 1 and R<sup>1</sup> not being hydrogen if X is O; or n being 2 if X is N.

2. A composition as claimed in claim 1, wherein the N-vinylamide is chosen from N-vinylpyrrolidone and N-vinylcaprolactam.
3. A composition as claimed in claim 1, wherein the ethylenically unsaturated carboxylic acid is acrylic acid or methacrylic acid.
4. A composition as claimed in claim 1, wherein the carboxylic acid esters exhibit ethoxylate residues of the general formula (Ia)



in which

$R^1$  is branched or linear, saturated or unsaturated  $C_{5-15}$ -alkyl; and

$z$  corresponds to a value of 1 to 100.

5. A composition as claimed in claim 1, wherein the additional copolymerizable comonomer is chosen from (meth)acrylamide, (meth)acrylonitrile, alkyl (meth)acrylates and alkyl vinyl ethers.
6. A composition as claimed in any of the preceding claims, which comprises
- (i) 99 to 60 weight% of monomer units (i);
  - (ii) 1 to 30 weight% of monomer units (ii); and
  - (iii) 0 to 10 weight% of monomer units (iii).
7. The use of the composition as claimed in any of claims 1 to 6 as adjuvant in the treatment of plants.
8. The use as claimed in claim 7 for improving the effectiveness of an active compound for plant protection.
9. The use as claimed in claim 7 in plant cultivation, in agriculture or in horticulture.
10. The use as claimed in claim 7 for controlling undesired plant growth.

11. The use as claimed in claim 7 postemergence.
12. The use as claimed in claim 7 in the spray treatment of plants.
- 5 13. The use as claimed in claim 7 as tank additive.